

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr185-MHT
)	(WO)
ZSA ZSA BOUVIER COUCH)	

ORDER

This case is before the court on the issue of the competency of defendant Zsa Zsa Bouvier Couch. The court wishes to obtain its own evaluation of Couch before making a decision as to her competency to proceed. Based on the psychological evaluation of Robert D. Shaffer, Ph.D. (Doc. 54), and on the representations made on the record by Couch's former appointed counsel, the court finds that there is "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense." 18 U.S.C. § 4241(a) (pronouns modified

to reflect defendant's gender). Accordingly, the court is authorized to order an independent evaluation of Couch. See *id.* Furthermore, the court finds that the evaluation should be performed on an outpatient basis rather than an inpatient basis. See 18 U.S.C. § 4247(b) (for a competency evaluation, "the court may commit the person to be examined for a reasonable period, but not to exceed thirty days" (emphasis added)); *United States v. Neal*, 679 F.3d 737, 740-41 (8th Cir. 2012) (finding that, under 18 U.S.C. § 4247(b), a district court should order an outpatient evaluation of competency unless an inpatient evaluation is reasonably necessary to protect an important government interest).

Accordingly, pursuant to 18 U.S.C. § 4241(a) and (b), and § 4247(b) and (c), it is ORDERED as follows:

(1) By no later than March 17, 2022, Catherine L. Boyer, Ph.D., Clinical Psychologists, P.C., (334)

821-3350, 248 East Glenn Avenue, Auburn, AL 36830, shall conduct a psychological evaluation of defendant Zsa Zsa Bouvier Couch and file a report of the evaluation with the court by emailing said evaluation to courtroom deputy Anthony Green at anthony_green@almd.uscourts.gov.

(2) The evaluation shall be conducted in person, as opposed to via videoconferencing. Defense counsel shall work with Dr. Boyer to arrange a time and location for the evaluation.

(3) The report of the evaluation shall include the defendant Couch's history and present symptoms; a description of the psychiatric, psychological, and medical tests that were employed and their results; the examiner's findings; the examiner's opinions as to diagnosis and prognosis; and the examiner's opinions as to whether defendant Couch is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature

and consequences of the proceedings against her or to assist properly in her defense.

(4) A competency hearing is set for March 30, 2022, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 3rd day of February, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE